REMARKS

Applicants have amended claims 1 and 19 to address the section 112 rejections. Specifically, both claims include the limitation "the dielectric layer being deposited to have a thickness that enhances an optical phase difference between the first and second states of the phase-change material, the first-surface optical disk consisting of no further layers. " Thus, the pending claims include the subject matter discussed with regard to Applicants' Figure 11 on, for example, page 16, line 26 through page 17, line 10. As can be seen from Figure 11, as the thickness of the protective dielectric layer (in this case silicon oxynitride) is varied appropriately, the phase change difference between the written and un-written portions of the underlying phase-change material is enhanced.

With regard to the prior art, Applicants note the rejection of the claims using the foreign text of the Japanese Publication 03-086943 is improper under MPEP 706.02 II.. Specifically, MPEP 706.02 II. notes that if "the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner in relying in support of the rejection." (emphasis added). Here, the record is the opposite of clear: Applicants are powerless to respond to the assertion that "JP '943 teaches for a recording layer of thickness of 80 nm, a protective layer of silicon oxynitride of thickness 80 nm is provided. (Abstract and consultation with translator). " Applicants can only respond that the English abstract is utterly silent regarding such an assertion. Thus, Applicant respectfully requests such an assertion be retracted or supported with a translation of the entire publication to make clear the context and support for such an assertion.

With regard to the Pan reference (USP 4,960,680), it is plainly directed to a "second surface" optical disk, having a thick defocusing layer covering the phase-change material. Similarly, the Japanese Abstract (JP 3-86943) is directed to a very different form of disk – for example, the phase-change material is not directly deposited on the substrate as required by claim 1 but instead on an interference layer. Moreover, the dielectric coating in JP 3-86943 is merely

protective and has no contrast enhancing effect. Accordingly, no prima facie case of obviousness has been established over the combination of the Edwards publication (2001/0016301), the Pan reference, and the Japanese publication.

Moreover, Applicants respectfully note that what is not in the prior art is a teaching or suggestion for their inventive first-surface disk, let alone a teaching or suggestion that such a disk has its CNR enhanced when manufactured by a mother stamping feature. Thus, claim 1 is allowable over the Pan, JP-3-86943, and Otaba references.

For the foregoing reasons, Applicants respectfully submit that the pending claims are in condition for allowance.

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Jon Hallman

~~September~~ October 16, 2006

Respectfully submitted,

Jonathan W. Hallman
Attorney for Applicant(s)
Reg. No. 42,622

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